

Remarks/ Arguments

Upon entry of the foregoing amendments, claims 1 to 72 will be pending in the present patent application. Claims 1 to 30 and 45 to 58 are pending, but remain withdrawn until the Office indicates that the Restriction Requirement dated May 27, 2005 has been made Final. At such point, claims 1 to 30 and 45 to 58 will be canceled, without prejudice to their presentation in a later-filed divisional patent application.

Claim 31 has been amended. Support for the amendments to claim 31 is found throughout Applicants' specification such as, for example, at page 33, lines 10 to 12. Claims 59 to 72 have been added. Accordingly, claims 31 to 44, and 59 to 72 are currently being prosecuted in this application.

Applicants' disclosure has been amended to correct an obvious error. In this regard, the above-identified structures have been amended such that the propylene oxide repeating units are more clearly defined. Support for these amendments is found throughout Applicants' specification such as, for example, at page 15, paragraph [0038], and at Tables 1 and 2 (pages 27 to 28), which clearly indicate that propylene oxide

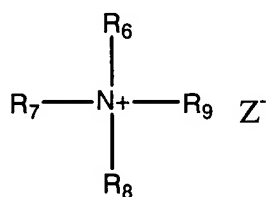
The Action includes rejections under 35 U.S.C. §§ 102(b) and 102(e). In view of the following remarks, reconsideration and withdrawal of the rejections are requested respectfully.

Discussion of the Rejections Under 35 U.S.C. § 102

Claims 31 to 44 have been rejected under §102(b) as allegedly being anticipated by U. S. Pat. No. 5,977,041 to Honda et al. ("the 041 patent"). Applicants respectfully traverse this rejection because the 041 patent does not disclose each and every element of the claimed invention. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ.2d 1051, 1053

(Fed. Cir. 1987) (“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.”).

The Action alleges that the 041 patent anticipates Applicants’ claimed invention because the 041 patent discloses an “acetylenic diol surfactant” (*i.e.*, Surfynol 420) (Action at 3) as well as a compound of “the claimed formula VI surfactant” (*id.*),



(VI), which can be a quarternary ammonium hydroxide.

Applicants submit respectfully that, in the first instance, neither independent claims 31 or 59 recite an acetylenic diol surfactant. Moreover, Applicants’ claim 31 has been amended such that the variable Z cannot be defined as a hydroxyl group. Thus, formula VI of Applicants’ amended claim 31 does not recite a quarternary ammonium hydroxide. Accordingly, for at least these reasons, reconsideration and withdrawal of the rejection based upon the 041 patent are requested respectfully.

Claims 31 to 44 have been rejected under §102(e) as allegedly being anticipated by U. S. Pat. No. 6,670,107 to Lachowski et al. (“the 107 patent”). Applicants respectfully traverse this rejection because the 107 patent does not disclose each and every element of the claimed invention. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ.2d 1051, 1053 (Fed. Cir. 1987) (“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.”).

The Action alleges that the 107 patent anticipates Applicants’ claimed invention because the 107 patent discloses a compound of “the claimed formula VI surfactant” (Action at 6), which can be a quarternary ammonium hydroxide. Applicants submit respectfully that independent claim 31 has been amended such that the variable Z cannot be defined as a hydroxyl group. Thus, formula VI of Applicants’ amended claim 31 does not recite a

quarternary ammonium hydroxide. Accordingly, for at least this reason, reconsideration and withdrawal of the rejection based upon the 107 patent are requested respectfully.

Claims 31 to 44 have been rejected under §102(b) as allegedly being anticipated by U. S. Pat. No. 6,455,234 to Lassila et al. ("the 234 patent"). Applicants respectfully traverse this rejection because the 234 patent does not disclose each and every element of the claimed invention. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ.2d 1051, 1053 (Fed. Cir. 1987) ("A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.").

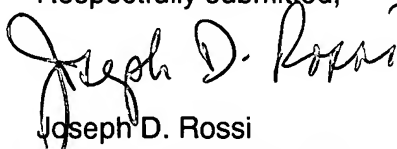
The Action alleges that the 234 patent anticipates Applicants' claimed invention because the 234 patent discloses an "acetylenic diol surfactant" (Action at 9). Applicants submit respectfully that independent claim 31 has been amended such that the integer "t" in formula III is "0". Indeed, the 234 patent does not teach or suggest compounds within the scope of formula III because the compounds disclosed therein are adducts of an acetylenic diol and ethylene oxide/propylene oxide. Accordingly, for at least this reason, reconsideration and withdrawal of the rejection based upon the 234 patent are requested respectfully.

Conclusion

Applicants believe that the foregoing constitutes a complete and full response to the Action of record. Applicants respectfully submit that this application is now in condition for allowance. Accordingly, an indication of allowability and an early Notice of Allowance are respectfully requested.

The Commissioner is hereby authorized to charge the fee required and any additional fees that may be needed to Deposit Account No. 01-0493 in the name of Air Products and Chemicals, Inc.

Respectfully submitted,

A handwritten signature in black ink, reading "Joseph D. Rossi". The signature is fluid and cursive, with the first name "Joseph" and last name "Rossi" clearly legible.

Joseph D. Rossi
Registration No. 47,038
7201 Hamilton Boulevard
Allentown, PA 18195-1501
(610) 481-8169